

For Public

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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In The Matter of Charges and


Complaint Against

MICHAEL S. MALL, M.D.,

Respondent.

NO. **Case No. 08-8666-1**

FILED December 12, 2008


CLERK OF THE BOARD

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Chairman, Cindy Lamerson, M.D., Member, and Jean Stoess, M.A., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Michael S. Mall, M.D., hereinafter referred to as Dr. Mall, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Mall is licensed in active status to practice medicine in the State of Nevada, and at all times alleged herein, was so licensed by the Nevada State Board of Medical Examiners, pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was twenty-seven year old female at the time she began to see Dr. Mall. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.

3. Patient A began seeing Dr. Mall in late 2002 with a history of fibromyalgia and depression.

4. Dr. Mall prescribed narcotic medications to Patient A to control her pain, including Oxy IR, OxyContin and Soma. Throughout 2003 and into 2004, Patient A was maintained primarily

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1 on these medications, however on a few occasions, medications other than OxyContin were utilized
2 for pain management.

3 5. In June 2004, Patient A was referred for a pain management consultation with
4 Dr. Michael Prater. Dr. Prater confirmed Patient A's diagnosis of fibromyalgia. In Dr. Prater's
5 assessment of Patient A, he referred to an MRI completed in 2001 showing a bulging disc at L5-S1
6 and he indicated that this condition might be worsening. Dr. Prater recommended that Patient A
7 have an MRI completed for diagnostic purposes and recommended a change in Patient A's
8 medication from Oxy IR to Roxy IR.

9 6. Dr. Mall did change Patient A's medication to Roxicodone in June according to a
10 Patient Drug Utilization report for Patient A, however there are no medical records discussing this
11 nor is there any indication in the medical records that another MRI was completed.

12 7. Patient A continued on high doses of narcotic medications including Roxicodone,
13 OxyContin and Soma throughout the rest of 2004 and 2005 for pain management.

14 8. Dr. Mall's records for Patient A for 2003 through 2005 show numerous early refills
15 of her narcotic pain medications and a Patient Drug Utilization for Patient A shows numerous
16 narcotic prescriptions filled without any corresponding documentation in the medical chart of Patient
17 A.

18 9. Dr. Mall's records for Patient A are largely illegible and lacking in detail, including
19 any details about any examination of Patient A on multiple occasions.

20 10. Patient B was a twenty-nine year old male at the time he began seeing Dr. Mall in
21 2004. His true identity is not disclosed to protect his privacy, but his identity is disclosed in the
22 Patient Designation served on Respondent along with a copy of this Complaint.

23 11. Patient B first presented to Dr. Mall in the summer of 2004. Patient B had an MRI
24 performed in May 2004 which indicated lower premature degenerative disk disease, L4-5 broad
25 based disk herniation, L5-S1 moderate narrowing of the left neural foramen

26 12. Dr. Mall prescribed large quantities of narcotic medications for Patient B for pain
27 management including Roxicodone and OxyContin.

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13. Dr. Mall increased Patient B's dosage of OxyContin in January 2005; however the medical records for Patient B provide no information as to why this increase was made.

14. Dr. Mall continued to prescribe large quantities of narcotic pain medications to Patient B through 2005 and into 2006, however the medical records show no indication that any further diagnostic studies were ordered or that any referrals to any specialists were made during this time.

15. A Patient Drug Utilization report shows numerous narcotic prescriptions filled without any corresponding documentation in the medical chart of Patient B in 2004 and 2005.

16. Dr. Mall's records for Patient B are largely illegible and lacking in detail, including any details about any examination of Patient B on multiple occasions.

Count I

17. All of the above paragraphs are incorporated by reference as though fully set forth herein.

18. NRS 630.3062 (1) provides that failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating disciplinary action.

19. Dr. Mall's records for Patient A as averred in this Complaint are largely illegible and incomplete and accordingly Dr. Mall is subject to discipline.

Count II

20. All of the above paragraphs are incorporated by reference as though fully set forth herein.

21. NRS 630.3062 (1) provides that failure to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient is grounds for initiating disciplinary action.

22. Dr. Mall's records for Patient B as averred in this Complaint are largely illegible and incomplete and accordingly Dr. Mall is subject to discipline.

WHEREFORE, the Investigative Committee prays:

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1 1. That the Nevada State Board of Medical Examiners fix a time and place for a
2 formal hearing;

3 2. That the Nevada State Board of Medical Examiners give Respondents notice of the
4 charges herein against them, the time and place set for the hearing, and the possible sanctions
5 against them;

6 3. That the Nevada State Board of Medical Examiners determine what sanctions it
7 determines to impose for the violation or violations committed by Respondents; and

8 4. That the Nevada State Board of Medical Examiners make, issue and serve on
9 Respondents its findings of facts, conclusions of law and order, in writing, that includes the
10 sanctions imposed; and

11 5. That the Nevada State Board of Medical Examiners take such other and further
12 action as may be just and proper in these premises.

13 DATED this 12th day of December, 2008.

14 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

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17 By: _____

Lyn E. Beggs

General Counsel and Attorney for the Investigative Committee

VERIFICATION

STATE OF NEVADA)
: ss.
COUNTY OF DOUGLAS)

CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered in the course of the investigation into a complaint against Respondent, he believes that the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

DATED this 12th day of December, 2008.



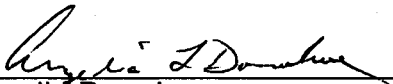
CHARLES N. HELD, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 12th day of December 2008, I served a file copy of the COMPLAINT, PATIENT DESIGNATION, SETTLEMENT, WAIVER & CONSENT AGREEMENT, by mailing via USPS certified return receipt to the following:

Michael Mall, M.D.
3201 S. Maryland Pkwy #220
Las Vegas, NV 89109

Dated this 12th day of December 2008.



Angelia Donohoe
Legal Assistant